

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA CLARA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012120574

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On December 14, 2012, the Santa Clara Unified School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing that named Student. On December 21, 2012, the District filed with OAH a proposed First Amended Request for Mediation and Due Process Hearing, also naming Student. OAH shall treat this filing as a request to file an amended pleading in the matter. Parent, on behalf of Student, has not filed with OAH a response to this request.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).) Here, the request to amend is timely and is granted. The First Amended Request for Mediation and Due Process Hearing shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: December 27, 2012

/s/

TIMOTHY L. NEWLOVE

Presiding Administrative Law Judge
Office of Administrative Hearings